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JUN 16 2008
OFFICE OF PETITIONS

In re Application of :
MacPherson : DECISION ON PETITION
Application No. 09/716,189 :
Filed: November 17, 2000 :
Docket No.: DT-3788 :

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed September 19, 2007. This matter is also being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181. No fee has been charged in connection with this matter.

The Notice of Abandonment mailed August 15, 2007 indicated that this application was held abandoned for failure to timely submit a proper reply to the Notice of Noncompliant Amendment mailed June 22, 2007.

DECISION UNDER 37 CFR 1.181

The Notice of Noncompliant Amendment mailed June 22, 2007 required correction to drawings previously submitted by applicant. A review of the record and, further, consultation with the examiner of record on June 11, 2008 confirms that a timely response to the Notice of Noncompliant Amendment was filed June 30, 2007.

In view thereof, the petition to withdraw the holding of abandonment is hereby **GRANTED**.

The Notice of Abandonment is hereby **VACATED** and the holding of abandonment is **WITHDRAWN**.

DECISION UNDER 37 CFR 1.137(b)

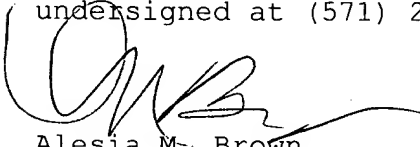
A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

In view of the withdrawal of the holding of abandonment, the petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT.**

No fee is due in connection with this matter. Petitioner is entitled to a refund of the \$750.00 petition fee previously submitted and may request a refund by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application is being forwarded to Group Art Unit 3692 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

A handwritten signature in black ink, appearing to read 'AMB', with a long horizontal flourish extending to the right.

Alesia M. Brown
Petitions Attorney
Office of Petitions